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PART II—Section 4

Statutory Rules and Orders issued by the
Ministry of Defence

MINISTRY OF DEFENCE

New Delhi, the 18th May 1963

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890
AND
IN THE MATTER OF THE INDIAN GORKHA EX-SERVICEMEN'S WELFARE
FUND

S.R.O. 180.—Whereas the Secretary Indian Soldiers', Sailors' and Airmen's Board acting in the administration of the Fund mentioned above and as the person who proposes to apply the Fund in trust for charitable objects, has applied for vesting the Fund mentioned in Schedule 'A' hereto annexed in the Treasurer of Charitable Endowments for India and for the settlement of a Scheme for the Administration of the said Fund,

It is hereby notified that the Central Government in exercise of the powers conferred by sections 4 and 5 of the Charitable Endowments Act, 1890 (6 of 1890), and upon the application as aforesaid and with the concurrence of the said Secretary doth hereby order and direct that the moneys set out in Schedule 'A' hereto annexed shall as from the publication of this notification vest, and be henceforth vested, in the Treasurer of Charitable Endowments for India to be held by him and his successors in office (subject to the provisions of the Charitable Endowments Act, 1890, and the rules to be framed thereunder from time to time by the Central Government) upon trust to hold the said moneys and the income thereof in accordance with the trusts and terms set out in the Scheme set forth in Schedule 'B' hereto annexed;

And it is hereby further notified that upon the application as aforesaid and with the concurrence of the said Secretary, the Central Government has under sub-section (1) of section 5 of the said Act settled the scheme set forth in Schedule 'B' hereto annexed for the administration of the said endowment and under sub-section (3) of section 5 of the said Act, it is hereby further ordered that it shall come into force from the date of publication of this notification.

SCHEDULE 'A'

A sum of Rs. 5,28,603 from the Indian Gorkha Ex-servicemen's Welfare Fund which consists of:—

1. INVESTMENTS	FACE VALUE
	Rs.
3 per cent. Development loan 1970-75	3,82,000
12 year National Savings certificates	1,00,000
Total Rs.	4,82,000

II. CASH

	Rs.
Short Term Deposit with the Central Bank of India, New Delhi ..	38,723.76
Prize Bonds @ Rs. 100 each ..	500.00
In current account with State Bank of India, New Delhi ..	7,390.93
III. Adding I and II above the total assets of the Fund ..	5,28,614.69

SCHEDULE 'B'

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890
AND
IN THE MATTER OF THE INDIAN GORKHA EX-SERVICEMEN'S WELFARE FUND

Scheme for the Administration of the above-mentioned Fund.

1. **Definitions.**—Unless there is anything repugnant to the subject or context in the Scheme

- (a) "Fund" means the Indian Gorkha Ex-servicemen's Welfare Fund;
- (b) "the year" means the financial year ending the thirty-first day of March.

2. **Objects of the Fund.**—(a) Primarily the Fund shall be used to make such grants as will promote the economic, social, educational, welfare of those Gorkhas who have actually served in the ranks or as non-combatants enrolled in the Defence Services, or who may be serving in the Armed Forces and also for the benefit of families and other dependants of such persons and to render assistance to widows, orphans, and destitutes. Any other Gorkha Ex-serviceman who has permanently settled in India or his dependant or any Gorkha resident in India serving in the Indian Armed Forces or his dependant, will also be eligible for aid from the Fund, subject to the provision of any rules approved by the Ministry of Defence.

(b) The Fund shall not normally be used—

- (i) to finance any scheme the provision of which is clearly the responsibility of the Government of India or of a State Government;
- (ii) to provide a reserve for other Funds in the services or in the States;
- (iii) to finance temporary schemes.

3. **Extent.**—The objects of the Fund shall extend to the whole of India.

4. **Assets of the Fund.**—In addition to the moneys particulars whereof are given in Schedule 'A', the assets of the Fund shall include grants from Government as well as donations and voluntary endowments whenever given or received.

5. **Vesting of Assets.**—The Assets of the Fund including those particulars whereof are set out in Schedule 'A', shall be vested in the Treasurer of Charitable Endowments for India under the Scheme.

6. **Management of the Fund.**—The Treasurer of Charitable Endowments shall not act in the management or administration of this Fund but, subject to any general or special directions given by the Central Government, such management and administration shall be vested in and rest with the Committee of Administration as hereinafter mentioned.

7. **Committee of Administration.**—For the management and administration of the Fund, a Committee of Administration shall be constituted consisting of:—

Chairman

Secretary, Ministry of Defence.

Vice-Chairman

Joint Secretary, Ministry of Defence (in charge of Resettlement).

Members

Adjutant General, Army Headquarters.
 Director General of Resettlement, Ministry of Defence.
 Chief of Personnel, Naval Headquarters.
 Air Officer-in-Charge, Personnel and Organisation, Air Headquarters.
 A representative of the Ministry of Finance (Defence).
 Deputy Secretary, Ministry of Defence (in charge of Resettlement).
 Deputy Secretary, Ministry of Defence (Lt.-Col. K. A. A. Raja).
 President, All India Gorkha Ex-servicemen's Welfare Association.
 Shrimati Maya Devi Chetty, M.P.

Secretary

Secretary, Indian Soldiers', Sailors' and Airmen's Board.

8. Provision regarding the Members of Committee of Administration.—(a) Where a person becomes a member of the Committee of Administration by reason of the office he holds, his membership shall terminate when he ceases to hold that office and his successor in office shall unless otherwise directed by the Central Government, be deemed to have been nominated in his vacancy.

(b) Subject to preceding clauses a member of the Committee of Administration shall cease to be such member if he dies, resigns, becomes of unsound mind, becomes insolvent, is convicted of a criminal offence involving moral turpitude, or is removed by the Central Government or is transferred from his present office.

(c) The resignation of membership shall be tendered to the Chairman of the Committee of Administration and shall not take effect until it is accepted on behalf of the Committee by the Chairman.

(d) Subject to sub-clause (a) above, any vacancy in the Committee of Administration caused by any of the reasons mentioned in sub-clause (b) shall be filled by nomination by the Central Government.

9. Conduct of Business.—The Committee of Administration may meet together for the conduct of business, adjourn and otherwise regulate its meetings and proceedings as may be determined by its bye-laws. Unless otherwise determined, the quorum for a meeting of the Committee of Administration shall be three members. A meeting of the Committee of Administration at which a quorum is present shall be competent to exercise all or any of the functions of the Committee. Every matter shall have to be determined by a majority of votes of the members present and voting on the question. The Secretary of the Committee of Administration shall have no right to vote. In case of equality of votes the person acting as the Chairman shall have a casting vote.

10. Functions of the Committee of Administration.—The Committee of Administration shall function notwithstanding that any person who is entitled to be a member by reason of his office is not a member for the time being and notwithstanding any other vacancy in the Committee of Administration and no act or proceeding of the Committee of Administration shall be invalid merely by reason of the happening of any of the above events or of any defects in the appointment of any member of the Committee of Administration.

11. Framing of Bye-laws.—The Committee of Administration shall make bye-laws for the regulation, management and for any other purpose connected with the execution of the Fund and the trusts thereof and may alter, vary or rescind the same from time to time.

12. Members of the Committee of Administration not entitled to remunerations.—The members and Secretary of the Committee of Administration shall not be entitled to any remuneration but will be entitled to be reimbursed their actual travelling expenses in respect of journeys undertaken by them to attend the meeting of the Committee of Administration, or for the purpose of the Fund.

13. Appointment of Staff.—Such staff as the Committee of Administration may consider necessary, shall be appointed by the Committee of Administration. The remuneration of any staff appointed by the Committee of Administration shall be fixed by the Committee of Administration.

14. Deposit of Moneys.—All moneys received shall be deposited in one or more accounts at the State Bank of India or any other scheduled bank approved in this behalf by the Central Government.

15. Accounts and Audit.—Regular accounts shall be kept of all moneys and properties belonging to the Fund and shall be audited by a Chartered Accountant or firm of Chartered Accountants or any other recognised auditor as may be appointed by the Committee of Administration. The auditor shall also certify that the expenditure from the Fund has been correctly incurred in accordance with the objects of the Fund. Copies of the annual account of the Fund duly audited and certified by the auditor of the Fund shall be submitted to the Committee of Administration every year.

16. Operation of the Fund.—The Fund shall be operated on behalf of the Committee of Administration jointly by the Defence Secretary, as Chairman, Committee of Administration, Indian Gorkha Ex-servicemen's Welfare Fund and the Secretary Indian Soldiers', Sailors' and Airmen's Board.

17. Contracts.—All contracts and other assurances shall be in the name of the Committee of Administration and signed on its behalf by the Secretary and Chairman of the Committee of Administration.

18. Use of the Fund.—It shall be lawful for the Committee of Administration to expend the moneys in the Fund for the objects of the Fund as mentioned above.

19. Application of the Fund.—Subject to the provisions of the Charitable Endowments Act, 1890, the Committee of Administration shall have the power to control and administer the Fund and to apply the same or any part thereof as they may consider conducive to the objects of the Fund.

20. Sale and Investment of Moneys.—The Committee of Administration may request the Central Government to issue suitable direction to the Treasurer of Charitable Endowments for India under section 10 of the Charitable Endowments Act 1890 (6 of 1890) to sell or otherwise dispose of any property of the Fund vested in him and, with the sanction of the Central Government, to invest the proceeds of the sale or other disposal of property as well as any moneys or property not immediately required to be used for the objects of the Fund in such security for moneys as may be proposed, by the Committee of Administration and specified in the direction, or in the purchase of immovable property.

21. Receipt of additional endowments.—The Committee of Administration may receive any additional endowments, donations or other contributions in augmentation of any of the moneys and properties of the Fund or for general purposes of the Fund. It may also receive endowments, donations or other contributions for any special purpose connected with this scheme not inconsistent with or calculated to impede the due working of the provisions of this scheme.

(No. 154(52)|61|ISSAB)

D. R. MITAL, Under Secy.

New Delhi, the 23rd May 1963

S.R.O. 181.—In pursuance of sub-section (7) of Section 13 of the Cantonments Act 1924 (2 of 1924), the Central Government is pleased to notify that a vacancy has occurred in the Cantonment Board, Jabalpur by reason of the acceptance by the Central Government of the resignation of Col. R. K. Vats.

[File No. 19/9/G/L&C/56/171-C/D(C&L).]

S.R.O. 182.—In pursuance of sub-section (7) of Section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government is pleased to notify the nomination of Lt.-Col. N. S. Mathur as a member of the Cantonment Board Jabalpur vice Col. R. K. Vats resigned.

[File No. 19/9/G/L&C/56/171-C/D(C&L).]

New Delhi, the 24th May 1963

S.R.O. 183.—In pursuance of sub-section (7) of Section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government is pleased to notify that a

vacancy has occurred in the Cantonment Board, Ramgarh by reason of the acceptance by the Central Government of the resignation of Major C. J. Pereira.

[File No. 19/5/G/L&C/54/124-C/D(Q&C).]

S.R.O. 184.—In pursuance of sub-section (7) of Section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government is pleased to notify the nomination of Major P. K. Rudran Nair as a member of the Cantonment Board, Ramgarh *vice* Major C. J. Pereira resigned.

[File No. 19/5/G/L&C/54/124-C/D(Q&C).]

K. C. BOSE, Under Secy.

New Delhi, the 27th May 1963

S.R.O. 185.—In exercise of the powers conferred by the National Cadet Corps Act, 1948 (31 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Defence No. 313 dated 1 Dec. 1962:—

In the said notification, para 3(ii), last line for 'either' read 'eight'

GANESH SWARUP, Under Secy.

